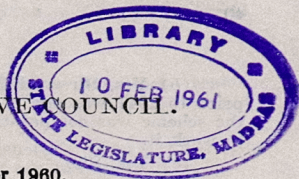


THE MADRAS LEGISLATIVE COUNCIL.



Tuesday, the 6th September 1960.

The House met in the Council Chamber, Fort St. George, at three of the clock, Mr. Chairman (THE HON. DR. P. V. CHERIAN) in the Chair.

I. QUESTIONS AND ANSWERS.

STARRED QUESTIONS.

Visits of the State Ministers to the Capital

* 77 Q.—DR. A. SREENIVASAN: Will the Hon. the Chief Minister be pleased to state—

(a) whether any representation has been made by the Government to the Central Government in regard to the criticism of the Auditor-General in respect of the expenditure incurred by the Central Government for the visits of the State Ministers to the Capital and

(b) if so, the details thereof?

THE HON. SRI R. VENKATARAMAN (on behalf of the Hon. the Chief Minister): (a) No, Sir. The expenditure incurred on the visits of State Ministers to the Capital is usually borne by the State Government and not by the Centre.

(b) Does not arise.

DR. A. SREENIVASAN: But what has the Hon. Minister to say with regard to the Auditor-General's criticism about the Central Government in regard to these expenses? If it is wrong, will the Hon. Minister invite the attention of the Central Government to the fact that the report is not correct?

THE HON. SRI R. VENKATARAMAN: This Government have not received any criticism of the Auditor-General.

Pension papers of teachers

* 78 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Finance be pleased to state—

(a) the office that prepares the pension papers of teachers retiring from local board elementary and high schools;

(b) whether any delay has been caused in the preparation of pension papers of such teachers, if so, the reasons therefor; and

(c) whether the Government have issued any orders in this regard?

THE HON. SRI C. SUBRAMANIAM: (a) The office of the local body concerned should prepare the pension papers and forward them to the District Educational Officer concerned.

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(b) Yes, Sir. Difficulty in verifying the services of teachers prior to 1947 was one of the reasons. The other was the fact that the scheme was comparatively new and it required some experience to work it.

(c) Yes, Sir.

SRI G. KRISHNAMOORTHY: Was there any difference of opinion, with reference to the Thanjavur District Board, as to whether the Special Officer should prepare it or the District Educational Officer should prepare it?

THE HON. SRI C. SUBRAMANIAM: I do not have the information.

SRI G. KRISHNAMOORTHY: As these delays were due to a difference of opinion, can I take it that the Government have now issued clear orders that the Special Officers should prepare it and not the District Educational Officers?

THE HON. SRI C. SUBRAMANIAM: That is what I have stated in the answer.

Government Training Colleges

* 79 Q.—SRI T. P. SRINIVASAVARADAN: Will the Hon. the Minister for Finance be pleased to state the number of lecturer's posts kept vacant for the past two years in Government Training Colleges and the reason therefor?

THE HON. SRI C. SUBRAMANIAM: Out of the four Gazetted posts of Lecturers sanctioned for the Government Post-Graduate Basic Training College, Orathanad, only two posts have been utilized considering the limited admission to the College. No other Lecturer's post in any Government Training College has been kept vacant for the past two years.

Teachers appointed under the South Arcot District Board

* 80 Q.—SRI G. KRISHNAMOORTHY: Will the Hon. the Minister for Finance be pleased to state—

(a) the number of qualified teachers appointed in permanent vacancies in the various elementary schools under the South Arcot District Board from 1951 to date;

(b) the number of such teachers whose services were regularized with probationary rights with retrospective effect from the date of appointment;

(c) whether the increments due to such teachers from the date of appointment have been sanctioned; and

(d) if not, the reasons therefor?

THE HON. SRI C. SUBRAMANIAM: (a) The information is not available.

(b) 948.

(c) & (d) The teachers have all been allowed to count their service from the dates of their appointment for purpose of increments without claim for arrears of pay.

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SRI G. KRISHNAMOORTHY: May I know the exact reason why they have been denied payment of the increment from the date of appointment?

THE HON. SRI C. SUBRAMANIAM: Generally when services are regularized in this manner, arrears of pay are not allowed.

SRI G. KRISHNAMOORTHY: Is it a fact that the District Board first of all regularized the services of teachers with probationary rights with retrospective effect and later on under rule 8 (a) of the emergency provisions that the benefit was denied to them?

THE HON. SRI C. SUBRAMANIAM: This was a case in which the Government interfered and gave retrospective effect to services already put in. After a full consideration of the facts of the cases, the Government had come to the conclusion that arrears of pay need not be paid.

SRI T. P. SRINIVASAVARADAN: Is it not a fact that the services of teachers appointed in 1951-52 were regularized only in 1957-58, after a lapse of five or six years?

THE HON. SRI C. SUBRAMANIAM: That is correct, Sir.

Higher Secondary Schools

* 81 Q.—DR. A. CHIDAMBARANATHAN: Will the Hon. the Minister for Finance be pleased to state—

(a) whether secondary schools to be upgraded as higher secondary schools have been selected for each of the educational districts; and

(b) if so, the principles on which the selection has been made?

THE HON. SRI C. SUBRAMANIAM: (a) The matter is under consideration.

(b) A statement^a is placed on the table of the House.

DR. A. CHIDAMBARANATHAN: May I know whether in the proposals to upgrade these secondary schools to higher secondary schools, region-wise consideration and taluk-wise consideration will prevail upon the Government?

THE HON. SRI C. SUBRAMANIAM: Anyhow, region-wise needs would be kept in mind. I do not know whether it would be possible to consider the taluk-wise needs.

DR. A. CHIDAMBARANATHAN: In the answer supplied, it has been stated that each taluk will have at least one higher secondary school. I wanted to know whether the Government would adhere to this and bring that into force.

THE HON. SRI C. SUBRAMANIAM: As far as upgrading is concerned, the suitability of the particular school for upgrading should also be taken into consideration. I do not think, simply because one school has to be given for each taluk, we will force any school to take up the course without any facilities.

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DR. A. CHIDAMBARANATHAN: May I know whether other things being equal, as far as possible, this taluk-wise consideration will be kept in view?

THE HON. SRI C. SUBRAMANIAM: That is the idea. "Region-wise" would include the region concerned. I do not think we can lay down any rule that every taluk should have it.

DR. A. CHIDAMBARANATHAN: May I know how many higher secondary schools are proposed to be brought into existence during the next Five-Year Plan period?

THE HON. SRI C. SUBRAMANIAM: We are now in the Draft Plan stage. We have proposed that 200 schools may be upgraded.

SRI T. P. SRINIVASAVARADAN: May I know whether the Government propose appointing a committee to select these schools?

THE HON. SRI C. SUBRAMANIAM: Not yet. Perhaps we can do it some time later when it is necessary.

SRI G. KRISHNAMOORTHY: Do Government envisage a date by which the schools should be upgraded?

THE HON. SRI C. SUBRAMANIAM: That is the programme and that is the recommendation of the Secondary Education Commission.

SRI G. KRISHNAMOORTHY: Is there any future time-limit by which they should be converted into higher secondary schools?

THE HON. SRI C. SUBRAMANIAM: During the Third Plan period we have provided for 200 schools. I do not think we can visualise the Fourth Plan period and say how many will be upgraded during that period.

Madras Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958

* 82 Q.—SRI MOHAMED RAZA KHAN: Will the Hon. the Minister for Industries be pleased to state—

(a) whether the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958 has come into force, if so, the date of enforcement; and

(b) the places in which the Act has come into force?

THE HON. SRI R. VENKATARAMAN: (a) & (b) Yes, Sir. 1st July 1959 was notified as the date for coming into force of all the provisions of the Madras Beedi Industrial Premises (Regulation of Conditions of Work) Act, 1958 except sections 10, 12, 13, 14, 15 and 16 and 1st January 1960 for sections 10, 12, 13, 14, 15 and 16. It was also notified that from 1st July 1960, no premises shall be used as a beedi industrial premises in the districts of Madras, Chingleput and North Arcot without a licence obtained under section 3 of the Act. Subsequently, this notification has been extended to other districts also. However, it is not proposed to enforce some of the provisions of the Act till such time as similar legislation is introduced in the neighbouring States of Kerala, Mysore and Andhra Pradesh.

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SRI MOHAMED RAZA KHAN: May I take it, Sir, that the proprietors of the factories are prepared to co-operate and see that the Act is brought into force and worked?

THE HON. SRI R. VENKATARAMAN: Yes, Sir. I am very happy to say that the proprietors have offered their co-operation to bring the Act into force progressively and step by step.

SRI MOHAMED RAZA KHAN: May I know whether the Government are corresponding with the neighbouring States of Kerala, Andhra and Karnataka to see that a corresponding legislation is passed there also so that there may be unanimity in this matter?

THE HON. SRI R. VENKATARAMAN: Sir, already we have held two conferences of the State Ministers of Labour of Andhra, Kerala, Mysore and Madras. The matter is still under correspondence.

Medical leave for teachers

* 83 Q.—**SRI G. KRISHNAMOORTHY:** Will the Hon. the Minister for Finance be pleased to state—

(a) the period of medical leave for which a teacher in an aided secondary school is eligible in respect of his whole service;

(b) whether the salary and dearness allowance paid to the teachers for the medical leave are taken into account for the purposes of grant; and

(c) whether the enforcement of these rules is verified by the department periodically?

THE HON. SRI C. SUBRAMANIAM: (a) This will be regulated in accordance with the terms of the agreement entered into by teachers with the managements.

(b) The actual leave allowance paid or half the substantive pay of the teacher at the time of his proceeding on leave, whichever is less, will be taken into account for assessment of grant. The full dearness allowance admissible to Government servants will also be admitted. If it is not actually paid, the entire claim therefor will be disallowed.

(c) Yes.

SRI G. KRISHNAMOORTHY: May I take it that the rule that a teacher is eligible for one full year of medical leave for the whole of his service is not in force now?

THE HON. SRI C. SUBRAMANIAM: I do not have the information, Sir.

SRI G. KRISHNAMOORTHY: In view of the fact that the teachers are undergoing great hardship for want of uniform leave rules and in view of the fact that the leave account is also taken into consideration for the grant of pensions, will the Government see that uniform leave rules are enforced on the managements?

THE HON. SRI C. SUBRAMANIAM: I thought that even the teachers would welcome some variety instead of getting into a rigid pattern.

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SRI T. P. SRINIVASAVARADAN: The teacher is entitled to avail himself of 12 months' leave on medical certificate on half pay. It is not obligatory. May I request the Government to see that these teachers when they go on sick leave are permitted to commute the 12 months' half-pay leave into leave for six months on full pay?

THE HON. SRI C. SUBRAMANIAM: That is a suggestion for action which might be considered at the appropriate time.

Municipal Elementary Schools

2-10 p.m. * 84 Q.—SRI T. P. SRINIVASAVARADAN: Will the Hon. the Minister for Finance be pleased to state—

(a) the number of Municipal Elementary Schools housed in rented buildings in Villupuram Municipal limits; and

(b) whether there is any scheme to construct new buildings to house them?

THE HON. SRI C. SUBRAMANIAM: (a) Seven, Sir.

(b) No, Sir.

SRI S. NATARAJAN: May I know, Sir, the expenditure incurred on paying rent?

THE HON. SRI C. SUBRAMANIAM: About Rs. 250 or Rs. 270.

SRI T. P. SRINIVASAVARADAN: What is the policy of the Government so far as the construction of buildings for elementary schools is concerned?

THE HON. SRI C. SUBRAMANIAM: This is a municipal elementary school. Municipalities will have priorities fixed for these. I do not think we can issue any directions in this matter.

School Improvement Projects

*** 85 Q.—SRI G. KRISHNAMOORTHY:** Will the Hon. the Minister for Finance be pleased to state—

(a) the number of school improvement projects in respect of elementary schools in the State; and

(b) the contributions made by the public in this regard?

THE HON. SRI C. SUBRAMANIAM: (a) 114 School Improvement Conferences have been held in the various districts up to 4th May 1960.

(b) About Rs. 3.79 crores.

SRI G. KRISHNAMOORTHY: Is this contribution in cash or in kind?

THE HON. SRI C. SUBRAMANIAM: Both, Sir.

SRI G. KRISHNAMOORTHY: Are inventories maintained with regard to the articles received from the public? Are accounts maintained with regard to cash?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir.

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SRI G. KRISHNAMOORTHY: Are they maintained by public committees or managements of schools?

THE HON. SRI C. SUBRAMANIAM: For each school improvement conference, a separate committee is constituted. That committee maintains and publishes the accounts also in a printed document.

SRI G. KRISHNAMOORTHY: Are they subject to audit?

THE HON. SRI C. SUBRAMANIAM: This is a voluntary effort. I do not know whether any audit would be necessary.

SRI MOHAMED RAZA KHAN: May I know, Sir, whether this sum of Rs. 3.79 crores has already been received or there is something yet to be received?

THE HON. SRI C. SUBRAMANIAM: This is the cost of the schemes implemented prior to the holding of the conferences. The donations in kind and cash made at the conferences amount to Rs. 3.79 crores.

SRI S. NATARAJAN: May we have a report of these conferences made available to this House?

THE HON. SRI C. SUBRAMANIAM: It has been published in the form of various reports. Particularly when the President visited the Vellore School Improvement Conference, a comprehensive report was published.

VIDWAN T. MUTHUKANNAPPAN: பள்ளிச் சீரமைப்புத் திட்டங்களில் தீவிரப் பங்கு எடுத்துக்கொள்ளும் ஆசிரியர்களுக்கு அதற்க்காகப் பரிசுகள், பாராட்டுப் பத்திரங்கள் ஏதாவது வழங்கப்படுகின்றனவா? இல்லையானால், அப்படிப் பரிசுகள் பாராட்டுப் பத்திரங்கள் வழங்குவது நல்லது என்று அரசாங்கம் கருதவில்லையா?

THE HON. SRI C. SUBRAMANIAM: இதற்குப் பரிசுகள், பாராட்டுப் பத்திரங்கள் வழங்கி அவர்களிடையே பொறுமையை உண்டாக்கிவிடக் கூடாது. எல்லோருமே பங்கு எடுத்துக்கொள்கிறார்கள். எல்லோரையுமே பாராட்டக் கடமைப்பட்டிருக்கிறோம். இந்தத் திட்டத்தில் அதிகமான வசூல் ஆங்காங்குள்ள செளகரியங்களைப் பொறுத்திருக்கிறது. சில இடங்களில் மக்கள் நிறையக் கொடுப்பார்கள். சில இடங்களில் வசூல் என்பது, கஷ்டப்பட்டுச் செய்ய வேண்டியதாக இருக்கும், கல்லிலிருந்து நார் எடுப்பது போல் இருக்கும். இதை நாம் புரிந்துகொள்ள வேண்டும்.

Recommendation of the Madras Pay Commission

* 86 Q.—SRI MOHAMED RAZA KHAN: Will the Hon. the Minister for Finance be pleased to state—

(a) the additional financial commitment for the year 1960–61 consequent on the acceptance of the recommendations of the Madras Pay Commission and the annual recurring extra expenditure subsequently; and

(b) whether any approach has been made to the Central Government for the financial assistance to cover the expenditure?

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THE HON. SRI C. SUBRAMANIAM: (a) Kind attention of the Member is drawn to paragraph 2 of Explanatory Note (i), Serial Nos. 1 to 36 on page 5 of the demand for grant for further expenditure and detailed supplementary estimates thereof, 1960-61 placed on the table of the Legislature on 11th August 1960.

(b) Yes, Sir. The matter is under correspondence with the Government of India.

SRI MOHAMED RAZA KHAN: Sir, may I make a submission? This question was put only because a statement appeared in the Press. The Hon. Minister could have simply stated the amount involved.

MR. CHAIRMAN: The Hon. Minister has given an exhaustive reply.

THE HON. SRI R. VENKATARAMAN: An accurate one too.

SRI MOHAMED RAZA KHAN: May I know, Sir, with regard to clause (b) of the question, whether any representation has been made to the Central Government that, in view of the heavy expenditure on account of the recommendations of the Pay Commission, they should bear a portion of the expenditure?

THE HON. SRI C. SUBRAMANIAM: Yes, Sir. We have written to the Government of India.

MR. CHAIRMAN: Questions are over.

II. ANNOUNCEMENT *re* : MESSAGE FROM THE GOVERNOR.

MR. CHAIRMAN: I have to announce to the House the message, dated 22nd April 1960, received from the Governor of Madras recommending to the Madras Legislative Council the consideration of the Madras (Transferred Territory) Extension of Laws Bill, 1960, as passed by the Madras Legislative Assembly.

III. CALLING ATTENTION TO NON-PAYMENT OF SALARIES TO TEACHERS IN (1) MANTHIRAMURTHI HIGH SCHOOL, TIRUNELVELI TOWN, AND (2) HINDU HIGH SCHOOL, ARKONAM.

SRI G. KRISHNAMOORTHY: Mr. Chairman, Sir, I beg to call the attention of the Hon. the Minister for Education to a matter of urgent public importance, viz., the non-payment of salaries to teachers for some months past in the Hindu High School, Arkonam, North Arcot district, and the Manthiramurthi High School, Tirunelveli town. The House is eager to know why the teachers have not been paid their salaries, and when they will be paid.

THE HON. SRI C. SUBRAMANIAM: There is no information available with the Government as to whether the salaries due to the teachers in the Mandiramorthy High School, Tirunelveli Town, have not been paid. As regards the M.K.M. Hindu High School, Arkonam, it has been reported that the salaries due to the teachers for certain months in 1959 were not paid by the management. The Education Department has taken steps to pay the salaries due to the teachers from out of the teaching grant due to the school. In respect of the allegation that the salaries of teachers have not been disbursed for some months in 1960 the Government have no information. The matter will be looked into at once.

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IV. GOVERNMENT BILLS.

(1) THE MADRAS JUDICIAL PROCEEDINGS (REGULATION OF REPORTS) BILL, 1960 (L.A. BILL NO. 12 OF 1960)

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

‘That the Madras Judicial Proceedings (Regulation of Reports) Bill, a 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

Sir, this measure was already before the Joint Select Committee, and the Joint Select Committee scrutinized it and then made some useful changes also, particularly with reference to second offences, because it is possible for any newspaper or any person to go on publishing things and perhaps pay the fine which may be imposed by the courts. Therefore, it was thought by the Joint Select Committee that in respect of the second offence, there should be a compulsory period of imprisonment. That has been incorporated in the Bill. This has been accepted by the Assembly also. This is the main change made in the Bill.

I hope the House will accept the Bill.

MR. CHAIRMAN: Motion moved—

‘That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

SRI K. BALASUBRAMANYA AYYAR: Sir, we welcome this Bill. Also at the time when it was introduced, we welcomed it. The Joint Select Committee has carefully gone into the various provisions of the Bill. One change has been made, and that is a very good change. For a second contravention of the provisions, the fine may be extended and imprisonment for six months also can be imposed. Sections 99-A to 99-D of the Code of Criminal Procedure, 1898, deal with seditious matter being published. I do not know whether this is outmoded. I feel that seditious matter is no longer such a vital matter. I think this matter will be considered by the Government.

As regards the amendment to sections 99-A, 99-B and 99-D, I have nothing to say against it. But what I would like to point out is that the amendment is to sections which may not be of much value at the present time. However strongly we criticise the Government, there is no seditious matter at all. We may go on criticising the present Government.

THE HON. SRI C. SUBRAMANIAM: Because it is self-criticism.

SRI K. BALASUBRAMANYA AYYAR: That section is entirely an outmoded section now. In those old days they attached great importance to that section. Therefore they said that a Special Bench composed of three Judges should be constituted.

Section 99-C says, ‘Every such application shall be heard and determined by a Special Bench of the High Court composed of three Judges’. Section 99-A says:—

“Where—

(a) any newspaper, or book as defined in the Press and Registration of Books Act, 1867, or

(b) any document,

a Printed as Appendix II on pages 63-66 infra.

[Sri K. Balasubramanya Ayyar]

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wherever printed, appears to the State Government to contain any seditious matter or any matter which promotes or is intended to promote feelings of enmity or hatred between different classes of the citizens of India or which is deliberately and maliciously intended to outrage the religious feelings of any such class by insulting the religion or the religious beliefs of that class, that is to say, any matter the publication of which is punishable under section 124-A or section 153-A or section 295-A of the Indian Penal Code, the State Government may, by notification in the official gazette, stating the grounds of its opinion, declare every copy of the issue of the newspaper containing such matter, and every copy of such book or other document to be forfeited to Government, and thereupon any police officer may seize the same wherever found in India and any Magistrate may by warrant authorize any police officer not below the rank of sub-inspector to enter upon and search for the same in any premises where any copy of such issue or any such book or other document may be or may be reasonably suspected to be."

Section 98-B says—

"Any person having any interest in any newspaper, book or other document, in respect of which an order of forfeiture has been made under section 99-A, may, within two months from the date of such order, apply to the High Court to set aside such order on the ground that the issue of the newspaper, or the book or other document, in respect of which the order was made, did not contain any seditious or other matter of such a nature as is referred to in subsection (1) of section 99-A."

Therefore it is that I say this section is outmoded.

3-20
p.m.

SRI MOHAMED RAZA KHAN: Mr. Chairman, I am yet to be convinced whether there is any necessity for a legislation of this kind. The Hon. the Minister for Finance will take shelter under the plea, 'After all, the Bill was referred to a Select Committee and the other House has passed it'. It is not that. It is a question of this House also being consulted. I know, Sir, whenever a case like rape or some such thing is tried, it creates some interest and the people want to see the proceedings. But even in such cases, the procedure is that the presiding judge should clear the court of the public and the Press so that evidence could be taken without anybody coming to know anything of it. The judge himself feels that certain difficult questions may have to be put and answers got which may not be in public interest if published in newspapers. If the Hon. the Minister for Finance does not intervene and say that these things should not be brought in at this stage, I wish to say one thing. He has not made out a case that such cases are reported in too many journals.

SRI K. BALASUBRAMANYA AYYAR: Special journals are issued sometimes.

SRI MOHAMED RAZA KHAN: I think, possibly the Deputy Leader of the Opposition himself gave the inspiration to the Hon. the Minister for Finance. (Laughter.)

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Secondly, Sir, the object of examination is to get some information helpful to the case and in cases like rape, etc., lawyers whichever side they represent, are not allowed to put questions which may be regarded as objectionable.

The next thing is, it is quite easy to pass a legislation like this. But how to enforce it? We know that the Beedi Industries Act was passed long ago and we also know that the Hon. the Minister for Industries could not enforce its provisions successfully because of the obvious difficulty that there is no corresponding Act in force in the neighbouring States. As far as Madras newspapers are concerned, there are many which serve not only the people in Madras but those outside also. What will happen is, when they have correspondents in other States, they will publish proceedings of courts in other States in our State also. Will they come within the purview of this Bill? There are two significant observations made by the Chairman of the Select Committee—I think the Hon. the Minister for Finance was the Chairman of that Committee—in the Committee's report. One is:

“It should also be presumed that judges would write their judgments with great restraint especially in regard to obscene matters.”

I do not understand the implication of these remarks. Again he observed:

“The judges would write out their judgments in such a way that they would not be objectionable.”

When I went through the proceedings of the Select Committee, I was not able to understand these two observations. It is quite all right that the Government are trying to prevent such things. But at this rate, we cannot go on passing one legislation after another. Such things are better left to be decided by public opinion. Publication of such things meets the desire of only a fraction of our people. With our tradition and our culture, people are not interested in these things. They do not want to know what has happened in the court and what sorts of questions were put and answers given. If we go on bringing in legislation after legislation for these things, there will be too many laws on the Statute Book and many of them will remain without being enforced.

* SRI M. ETHIRAJALU: கனம் தலைவர் அவர்களே, இந்த மசோதாவைக் கொண்டுவந்துள்ள கனம் அமைச்சரை நான் பாராட்டுகிறேன். தமிழர்களின் பண்பாட்டிற்கும், ஒழுக்கத்திற்கும், முன்னேற்றத்திற்கும் அனுகூலமாக இருக்கும் இந்த மசோதா மிகவும் பாராட்டத்தக்கது. இந்த மசோதாவை இப்படிக் கொண்டுவரவிட்டால், பொது வாழ்வில் ஈடுபட்டிருக்கும் பெரியோர்களுக்கு இந்த சர்க்கார் நல்ல பாதுகாப்புக் கொடுக்கவில்லை என்று எதிர்காலத்தில் சொல்வார்கள் என்பதில் சிறிதளவும் சந்தேகமில்லை. சில விஷயங்களைப் பத்திரிகைகளில் பிரசுரிப்பது, சில கார்ட்டூன்கள் போட்டு மற்றவர்களை விகாரப்படுத்தி அந்த கார்ட்டூன்களைப் பிரசுரிப்பது முதலியவைகளை சட்ட மூலமாகக் கட்டுப்படுத்த இந்த மசோதா உதவினாலும், இதையெல்லாம்விட இன்னொரு

[Sri M. Ethirajalu]

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முக்கியமான விஷயத்தை நாம் கவனிக்க வேண்டும். படித்தவர்கள் தான் பத்திரிகைகளையும் சில கார்ட்டுக்களையும் வேறு சில விஷயங்களையும் பார்க்கிறார்கள் என்றால், படிக்காத லட்சக்கணக்கான மக்கள் சினிமாவில் வரும் மிக மோசமான காட்சிகளைப் பார்க்கிறார்கள். அதற்கும் நாம் உடனடி சட்டம் கொண்டுவரவேண்டும். பத்திரிகைகளில் காணப்படுவதைவிட மோசமான காட்சிகள் சினிமாவில் வந்த வண்ணம் இருக்கின்றன. பத்திரிகைகளில் எழுதப்படுவதைவிடக் கேவலமாக சினிமாவில் பேசுகிறார்கள். தமிழர்களின் பண்பாட்டுக்கே குறைவான, கீழ்த்தரமான காட்சிகள் சினிமாவில் வந்த வண்ணம் இருக்கின்றன. அவைகளைத் தடை செய்ய வேண்டுமென்று நான்கனம் அமைச்சரைக் கேட்டுக்கொள்கிறேன். பத்திரிகைகளில் வரும் சில விஷயங்கள் படித்தவர்களுக்கு மட்டிலும்தான் தெரியும். லட்சக்கணக்கான படிக்காத மக்கள் சினிமாவில் வரும் சில காட்சிகளைப் பார்ப்பதால் அவர்களுடைய பண்பாடே மோசமாகிப் போய்க் கொண்டிருப்பதை நாம் பார்க்கிறோம். இவ்வாறு சினிமாவினால் மக்கள் கெடுவதைத் தடுப்பதற்கும் வகை செய்ய வேண்டும் என்பதைக் கனம் அமைச்சரின் கவனத்திற்குக் கொண்டுவர விரும்புகிறேன். அதற்கு இப்போது வகை செய்யாவிட்டாலும் எதிர்காலத்திலாவது வகை செய்ய வேண்டியது மிக மிக அவசியம். ஒருவரைப்பற்றி மற்றொருவர் உண்மைக்குப் புறம்பாக பேசுவதையும் எழுதுவதையும் தடை செய்வதை விட . . .

MR. CHAIRMAN: It is not in this Bill.

SRI M. ETHIRAJALU: அதைவிட, சினிமாவில் வரக்கூடிய சில காட்சிகளைத் தடைசெய்ய வேண்டியது மிகவும் முக்கியம் என்று கருதுகிறேன். எதிர்காலத்தில் அதற்கு சட்டம் செய்ய வேண்டுமென்று சர்க்காரைக் கேட்டுக்கொண்டு என்வார்த்தையை முடித்துக்கொள்கிறேன்.

THE HON. SRI C. SUBRAMANIAM: Sir, with regard to the first point raised by the Whip of the Opposition, the Deputy Leader of the Opposition himself has answered it. But, Mr. Raza Khan evidently is not conversant with the Tamil magazines and Tamil newspapers. If he had any occasion to go through them, he would find that in the guise of publishing court proceedings, all sorts of obscene and scurrilous matters are published in newspapers and magazines. It is to put a stop to that that this Bill has been brought in. Some newspapers, whether they have correspondents or not for the Legislative Assembly and the Legislative Council, have got their own correspondents to cover cases relating to matrimony and other such things in courts. Therefore, it is absolutely necessary to stop publication of such obscene and scurrilous matters.

Mr. Raza Khan referred to my remarks regarding restraint in writing out judgments. I was not anticipating, when I made those remarks in the Committee, any judgment to come later on (laughter.) The question arose whether judgments also should be prohibited from being published in newspapers. In that connection I said that after

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all, the judges dealing with the case would show sufficient restraint in writing out the judgments so that there would be no necessity to prohibit publication of judgments. Therefore, I submit that this Bill may be accepted.

MR. CHAIRMAN: The question is—

‘That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 8 were put and carried.

The schedule was put and carried.

Clause 1 and the Preamble were put and carried.

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

‘That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be passed.’

MR. CHAIRMAN: The question is—

‘That the Madras Judicial Proceedings (Regulation of Reports) Bill, 1960 (L.A. Bill No. 12 of 1960), as passed by the Legislative Assembly, be passed.’

The motion was put and carried and the Bill was passed.

(2) THE INDIAN PENAL CODE AND THE CODE OF CRIMINAL PROCEDURE
(MADRAS AMENDMENT) BILL, 1960 (L.A. BILL NO. 7 OF 1960).

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, I beg to move: 3-30 p.m.

‘That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

Sir, the Bill which we just now passed and this Bill are complementary to each other. This Bill seeks to amend the Indian Penal Code to provide for the prevention of publication of obscene and scurrilous matter in the various papers and the magazines. It is no doubt true that in all these matters it is public opinion that should be the ultimate restraint. But unfortunately sometimes public opinion does not exert itself properly. Therefore, it has become necessary to have laws to prohibit these things. Therefore it is that we thought it necessary to have a legislation of this sort. As I have already indicated, at the time when this Bill was considered at the initial stages, there was the Press Objectionable Matter Bill. But unfortunately it is not in force now. Therefore we could not deal with the offenders in an effective manner. That is why this Bill was brought. The Joint Select Committee which considered this Bill recommended that the second offender should be dealt with in a more severe manner. Therefore they have provided a minimum punishment of imprisonment for a period of six months. I therefore request that this Bill may also be accepted by the Council.

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MR. CHAIRMAN: Motion moved—

‘That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

SRI MOHAMED RAZA KHAN: Sir, again the Hon. the Finance Minister will say—that is my disability as I am not well conversant with Tamil—that I do not know what is written. I am in entire agreement with the Government that there must be some check and restraint on such publications. But my difficulty is this. I would like to know whether the action proposed would be taken against the publisher or even the sellers, the ordinary book-stall man, who may not know whether the particular publication is offensive or not.

THE HON. SRI C. SUBRAMANIAM: Why should he be a book-seller then?

SRI MOHAMED RAZA KHAN: I am slightly surprised at the question of the Hon. Minister. The book-seller, an ordinary man, may not be well conversant with the English language or Urdu, or Malayalam or Telugu. In this City different publications are sold. He might receive a parcel of books and he might pass them on for sale. It will be difficult for the book-seller to go through all the publications he receives and scrutinize whether the writings in the magazines or papers would come within the purview of the law or not. I do not also know whether the law would be applicable to publications within our State or whether it would be applicable to publications outside the State. At the time the Bill was first introduced, I drew the attention of the Hon. the Finance Minister to this. So far as English papers are concerned, as a rule they try to keep themselves within limits. But even some of them published in other States, weeklies especially—I do not want to mention names of those weeklies here—publish photos which I myself feel are repulsive things to see. What is the procedure to be adopted in dealing with those weeklies? Will action be taken against them also? I would submit that this Government have no power to take any action against papers published outside this State. Therefore simply because a man here, acting as agent, sells those publications in this State, would he be hauled up as having committed an offence under this law?

Sir, the original Bill wanted to prevent publication of speeches also. There is already a law in regard to that and the affected party could seek redress by going to the court. I think during the course of the discussion in the Joint Select Committee, my hon. Friend Dr. Chidambaranathan took objection to the inclusion of speeches under the provisions of this Bill, when there was already a law by which the aggrieved party could seek redress in a court of law, and it was unanimously decided that the particular sub-clause could be omitted. Therefore there has been some improvement, thanks to my hon. Friend who took up the matter in the Joint Select Committee.

I can understand the Government taking action against offenders. But sometimes it so happens that people, who do a thing without any knowledge of the Act, are also hauled up. I do not know in what manner the Act will work in respect of the cases pointed out by me.

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THE HON. SRI C. SUBRAMANIAM: Sir, I thought I would be saved the trouble of answering the points made by the hon. Member Sri Raza Khan if only the hon. the Deputy Leader of the Opposition had spoken to-day as to what happened in the Joint Select Committee and what points of view he put forward there very effectively. In regard to doubts raised by the hon. Member about publications outside this State, certainly if they are published outside this State we cannot take any action against them and punish them. If they are published outside the State and stop there, we are not concerned with them. But if they enter this State and there is exhibition, circulation and sale of those journals or books, certainly the law will then catch hold of them. If the publication is within this State, then even though there may be no circulation of such publications, the very act of printing will be construed as an offence under this law. Therefore we will have to look into the cause of action and see whether it has arisen within the State and then take action. Otherwise, no action could possibly be taken.

Then, Sir, the hon. Member was pleading for the so-called innocent—not innocent but ignorant parties. Suppose a man sells poison thinking it is food without taking sufficient care to find out whether it is poison or food; certainly he will be held responsible. This is something worse. The poison kills any one person who takes it. But here whoever reads such matter is poisoned. And any number of persons read these posters and magazines. The minds of all these persons are poisoned. Therefore it is necessary that, in the interest of the health of the community, these publications should be prevented. The hon. Member, I am sure, is aware of all these things, of the purpose with which these publications are made. They are mainly for the purpose of blackmailing. They publish some interesting news about some parties and say that much more will follow. They expect the parties to approach them later on and pay them money so that further publications will not be made. This sort of blackmail should be put down with an iron hand. I am sure we will have the co-operation of the hon. Member also who pleaded for the ignorant people in the enforcement of the provisions of the Bill. In my view this is a salutary law which should be available for the protection of innocent citizens even though some ignorant persons might suffer on account of their ignorance. But I am sure that such innocent persons will get sufficient protection from the trying magistrate.

MR. CHAIRMAN: The question is—

‘That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 5 were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

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THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, I move—

‘That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be passed.’

MR. CHAIRMAN: Motion moved—

‘That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be passed.’

SRI MOHAMED RAZA KHAN: Sir, just one word to assure the Hon. the Finance Minister that I am in entire agreement with him in regard to the principles that he has enunciated. After all, there should be something like purity in all these matters and I am one with the Hon. Minister when he wants to prevent the blackmailing that is going on. On that there is no difference of opinion. But the Hon. the Finance Minister was a little metaphysical and philosophical when he said that it was a question of poison and that it should be prevented. I might tell him that it is a question of degree. Sometimes there are good poisons also. The only point which I wanted to bring to the notice of the Hon. Minister was this. If really the publications are outside the State and if they are brought here by an agent or somebody and distributed in this State, we cannot expect those persons to scrutinize them and see whether they offend the law here or not. Their motive might not at all be to circulate such offending publications. In their usual way, in their anxiety to sell and do some business, they might do it. I only wished to draw the attention of the Hon. Minister to the fact that such ignorant people should not be hauled up under this law. Possibly when they take action they may also know whether it was done with a motive or only in an innocent way. I leave the matter to Government at that, and I support the Bill now.

THE HON. SRI C. SUBRAMANIAM: They should plead so in the Court.

MR. CHAIRMAN: The question is—

‘That the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Bill, 1960 (L.A. Bill No. 7 of 1960), as passed by the Legislative Assembly, be passed.’

The motion was put and carried and the Bill was passed.

(3) THE MADRAS (TRANSFERRED TERRITORY) EXTENSION OF LAWS BILL,
1960 (L.A. BILL NO. 17 OF 1960).

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

‘That the Madras (Transferred Territory) Extension of Laws Bill, a 1960 (L.A. Bill No. 17 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

Sir, this is a routine Bill making the laws prevalent in our State applicable to the transferred territory. We examine each Act and find out whether any adaptation is necessary in making the laws

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applicable to the transferred territory, and then we bring forward periodically all the laws which are to be made applicable. This is one of the routine Bills. I hope the House will accept the Bill.

MR. CHAIRMAN: Motion moved—

‘That the Madras (Transferred Territory) Extension of Laws Bill, 1960 (L.A. Bill No. 17 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

SRI K. BALASUBRAMANYA AYYAR: Sir, I find that the Madras Registration of Practitioners of Integrated Medicine Act, 1956, is included in the Acts to be applicable to the transferred territory. I think integrated medicine has now become . . . (Interruptions). Some amendment should be made here. There is no more . . .

THE HON. SRI C. SUBRAMANIAM: What about the existing practitioners?

SRI K. BALASUBRAMANYA AYYAR: There would not be anybody there. The Government want to apply this Act to future cases. There is no future possibility for this. The present Act deals only with those people who are registered under it. I do not think we should apply this Act, which is no longer applicable here.

THE HON. SRI C. SUBRAMANIAM: If it is not applicable to this State, then it will have to be repealed. So at the time of repeal, it will not be applicable to the transferred territory also. As long as it is applicable to this State, it is applicable to the transferred territory also.

MR. CHAIRMAN: The question is—

‘That the Madras (Transferred Territory) Extension of Laws Bill, 1960 (L.A. Bill No. 17 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

The motion was put and carried and the Bill was taken into consideration.

Clauses 2 to 14 were put and carried.

The First Schedule, the Second Schedule and the Third Schedule were put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

‘That the Madras (Transferred Territory) Extension of Laws Bill, 1960 (L.A. Bill No. 17 of 1960), as passed by the Legislative Assembly, be passed.’

MR. CHAIRMAN: The question is—

‘That the Madras (Transferred Territory) Extension of Laws Bill, 1960 (L.A. Bill No. 17 of 1960), as passed by the Legislative Assembly, be passed.’

The motion was put and carried and the Bill was passed.

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(4) THE MADRAS PANCHAYAT UNION COUNCILS (SPECIAL PROVISIONS FOR FIRST CONSTITUTION) BILL, 1960 (L.A. BILL NO. 19 OF 1960).

THE HON. SRI C. SUBRAMANIAM: Sir, I move—

‘That the Madras Panchayat Union Councils (Special Provisions for First Constitution) Bill, 1960 (L.A. Bill No. 19 of 1960), as passed by the Legislative Assembly, be taken into consideration.’ Sir, I am sure that hon. Members are aware that we are constituting Panchayat Union Councils under the new Panchayats Act. The first batch will come into existence on the 2nd October this year, the second batch on the 13th April 1961, and the third batch on the 2nd October 1961. The three batches will complete the whole State. We have provided in the Act that each panchayat should elect one of its members to be its representative on the Panchayat Union Council. If the Panchayat Union Council has got to be constituted, each panchayat will have to elect one person as its representative. Elections to these panchayats have been held only recently. Presidents and Vice-Presidents of Panchayats have been elected only recently. In some cases, there has been a good deal of heat created in the election of President and Vice-Presidents of panchayats. Now all that has settled down. If we now have another series of elections, we may be creating a wrong atmosphere for the functioning of these Panchayat Union Councils. That is why the Government thought that in the case of the first constitution of the Panchayat Union Councils, the President of the panchayat could be the representative of the panchayat on the Panchayat Union Council. As a matter of fact, when the original Act was being considered, a view was put forward that, without having a separate election, and in all cases and for all time, the panchayat president could be the representative of the panchayat on the Panchayat Union Council. After a full consideration of the matter, we took the view that perhaps it might be better to have another person instead of the President to be the representative on the Panchayat Union Council. But now, because of the initial difficulties in going through a series of elections in all the panchayats before constituting the Panchayat Union Councils, we thought, in consultation with the committee, which was constituted for the purpose of advising the Government, and also with the party leaders, that we should bring in this Bill. It has been unanimously accepted by all the parties except for some sort of murmuring dissent by the Communist Party. Therefore, I would request the House to accept this Bill.

SRI MOHAMED RAZA KHAN: On a point of clarification, Sir. With regard to the representative of the Panchayat Board on the Panchayat Union Council, is it the entire electorate that is to elect that representative or only the newly formed Panchayat Board?

THE HON. SRI C. SUBRAMANIAM: Only the newly formed Panchayat Board.

MR. CHAIRMAN: Motion moved—

‘That the Madras Panchayat Union Councils (Special Provisions for First Constitution) Bill, 1960 (L.A. Bill No. 19 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

6th September 1960]

SRI S. K. SAMBANDHAN: கனம் தலைவர் அவர்களே, இந்தப் பஞ்சாயத்துக் கவுன்சில்கள் மசோதாவை நான் முழு மனத்துடன் ஆதரித்து, இதைக் கொண்டுவந்துள்ள கனம் அமைச்சர் அவர்களைப் பாராட்டுகிறேன். பஞ்சாயத்துத் தலைவர்கள் பஞ்சாயத்து யூனியன் கவுன்சில் உறுப்பினர்களாக இருக்க வேண்டும் என்று தெரிவிக்கப்பட்டிருக்கிறது. முதல் தேர்தலைப் பொறுத்த மட்டுமே இப்படிப்பட்ட திருத்தத்தைக் கொண்டு வந்திருப்பது சற்று ஏமாற்றம் கொடுப்பதாக இருக்கிறது. ஏனென்றால், பஞ்சாயத்து யூனியன் உறுப்பினர்கள் தேர்தலில், கனம் அமைச்சர் அவர்கள் சொன்ன அத்தனை கஷ்டங்களும் எப்போதும் இருக்கத்தான் செய்யும். எனவே எப்போதுமே, பஞ்சாயத்துத் தலைவர்களே பஞ்சாயத்து யூனியன் உறுப்பினர்களாக இருக்க வகை செய்தால் நன்றாக இருக்கும். அவ்வாறு செய்தால், பல கஷ்டங்களைத் தவிர்க்கலாம். இப்போதுள்ள பஞ்சாயத்துகளில் அலுவல்களைப் பஞ்சாயத்துத் தலைவர்களும் அதிகாரிகளும் கவனித்துக் கொண்டிருக்கிறார்கள். பஞ்சாயத்து உறுப்பினர்களுக்கு அவ்வளவு அக்கறை இருப்பதில்லை. அவர்கள் கூட்டங்களுக்கு வந்து அங்கு நடக்கும் விஷயங்களைக் கவனிக்கிறார்களே தவிர அதிக அக்கறை எடுத்துக்கொள்வதில்லை. பெரும்பான்மையான பஞ்சாயத்துகளில் அதிகமான உறுப்பினர்கள் அதிக அக்கறை எடுத்துக்கொள்வதில்லை. பஞ்சாயத்துத் தலைவரிடமும், உப-தலைவரிடமும், நிர்வாக அதிகாரியிடமும் தான் அதிகமான பொறுப்புகள் ஒப்படைக்கப்படுகின்றன. ஆகவே, எப்போதும் பஞ்சாயத்துத் தலைவர்களே பஞ்சாயத்து யூனியன் கவுன்சில் உறுப்பினர்களாக இருப்பார்களானால், காரியங்கள் நன்றாக நடக்கும். இக்காரணத்தால், எப்போதுமே பஞ்சாயத்துத் தலைவர்களே பஞ்சாயத்து யூனியன் கவுன்சில் உறுப்பினர்களாக இருக்க வேண்டும் என்று திருத்தம் கொண்டுவர வேண்டும் என்று சொல்லிக்கொள்கிறேன்.

SRI MOHAMED RAZA KHAN: Sir, I really appreciate the great work done by the Finance Minister. He took a lot of pains when this whole matter was before the Legislature Committee. In fact I thought the Hon. Minister was a city man like myself. I thought he knew things only with reference to Coimbatore town. Perhaps my impression was wrong. The knowledge which he brought to bear on the subject showed that he knew fully the conditions in the village.

THE HON. SRI C. SUBRAMANIAM: I am only a village bird.

SRI MOHAMED RAZA KHAN: I am happy to draw that information. Originally, the idea of the Government was that the President of the panchayat alone should be the representative of the panchayat on the council. There was a good deal of discussion on that question and we did anticipate that there might be some trouble. After all, they are small villages and members are not many. They are very much anxious to get into the council. We thought that there would be some balance if some of them held on to the panchayat

[Sri Mohamed Raza Khan] [6th September 1960]

and some went to the Panchayat Union Council. We thought of a *via media* so that if there was a faction in the village, one set could take advantage of their man remaining as president of the panchayat and the other could send its representative to the Union Council. Therefore, this idea was conceived. And, Sir, it came from the Members of the Opposition. My present difficulty is this. The panchayat board consists of hardly six or seven members. The maximum may be 15. I cannot understand how it is difficult to ask them all to just meet on one day and elect their representative. Of course, we knew when we passed the parent Act that there would be some difficulties. But simply because there are difficulties, we cannot go on bringing in legislation after legislation. Even according to the statement of the Hon. Minister for Finance, elections in a majority of cases went off well, without much trouble. Possibly there are a few cases where there is trouble. Whatever it is, I do not think it is correct to anticipate trouble in a few cases and experiment on a new method. Sir, it is quite possible that the president of a panchayat is a very popular or prominent man and nothing in this Act prevents him from being a member of the Union Council. Of course, this Bill makes him an *ex-officio* member.

Then, what is the duration of membership? Is it for the life of the Union Council? Or is there going to be another election in between? That point has to be settled. However, I am very happy that the Bill has been brought in. I hope people will take it in the spirit in which it is enacted. By October 1961, there will be elections and this is only a temporary phase. In future, panchayat boards will meet and send their representatives to the Union Councils.

* SRI B. K. NALLASWAMI: கனம் தலைவர் அவர்களே, பஞ்சாயத்து யூனியன் கவுன்சிலுக்கு சாதாரண ஓட்டர் கூட அங்கத்தினராக வரலாம் என்று பஞ்சாயத்துக்கள் சட்டத்தில், முன்பு பிரசுரித்தபொழுது ஒரு பிரிவு இருந்தது. பஞ்சாயத்து மெம்பர்களிலிருந்து, பஞ்சாயத்து யூனியன் கவுன்சிலுக்கு உறுப்பினரைத் தேர்ந்தெடுக்க வேண்டும் என்று அதைத் திருத்தினோம். அதனால் எனக்கு ரொம்பச் சங்கடங்கள் ஏற்பட்டன. அப்போது எங்கள் வட்டாரத்தில் பஞ்சாயத்து எலெக்ஷன் நடந்துகொண்டிருந்தது. அதில் சமரசம் செய்து வைக்கும் வேலை எனக்குக் கிடைத்தது. பஞ்சாயத்து யூனியன் கவுன்சில் உறுப்பினர் தேர்தலுக்கு நேரடியாகத் தேர்தலில் நிற்கலாமே என்று சொல்லி, சிலரை தேர்தலில் நிற்காதபடி வாபஸ் வாங்கச் செய்தேன். இப்போது இந்த மசோதாவினால் எனக்குத் தனிப்பட்ட முறையில் ஒரு தர்ம சங்கடமான நிலைமை ஏற்பட்டிருக்கிறது. இந்த மசோதாவில் பஞ்சாயத்து யூனியன் தலைவரே, யூனியன் கவுன்சில் அங்கத்தினராக இருக்க வேண்டுமென்று இருக்கிறது. இந்த முறை கொஞ்ச காலத்திற்கே அமலில் இருக்கும் என்றாலும், எனக்கு இப்போது தர்மசங்கடமான நிலைமை ஏற்பட்டிருக்கிறது. பஞ்சாயத்துத் தலைவர் தேர்தலின்போது போட்டி ஏற்பட்டது. ஒருவர் தலைவராகவும் ஒருவர் யூனியன் கவுன்சில் மெம்பராகவும் இருக்கலாமென்று ஒன்றிரண்டு பஞ்சாயத்துக்களில் சமரசம் செய்து வைத்தேன்.

6th September 1960] [Sri B. K. Nallaswami]

இம்மாதிரி ராஜ்யத்தில் பல இடங்களில் ஏற்பட்டிருக்கும். ஆகையால் இந்த மசோதா சட்டமானவுடன் சிறிது குழப்பங்கள் ஏற்படும். எனவே, இந்த மசோதாவின் அளவு அதிக சிரமங்கள் ஏற்படக்கூடும் என்று சொல்லிக்கொண்டு என் வார்த்தையை முடித்துக்கொள்ளுகிறேன்.

SRI K. T. KOSALRAM: கனம் தலைவர் அவர்களே, எனது கனம் நண்பர் ஸ்ரீ நல்லசாமி அவர்கள் அப்போது சொன்னது மாதிரி பஞ்சாயத்துத் தேர்தல்கள் நடக்கும் போது பல கிராமங்களில் பல சமரசங்கள் நடத்திவைக்கப்படுகின்றன என்பது அரசாங்கத்திற்கு நிச்சயம் தெரிந்திருக்கும். “பிரின்ஸ் பிலுக்காக”, கொள்கை அளவிலே ஜனநாயகத்தில் நம்பிக்கை வைத்து இந்தச் சட்டம் இயற்றப்பட்டிருக்கிறது. எல்லாம் ஜனநாயக முறையில் நடக்க வேண்டும் என்பது நமது தார்மிகமான அடிப்படைக் கொள்கை. தேர்தல் என்கிறபோது எல்லாம் கஷ்டமாகத்தான் இருக்கிறது; எத்தனையோ விதமான சங்கடங்களும் பூசல்களும் ஏற்படுகின்றன. இருந்தாலும், இது வெல்லாம் “அன்அவாய்டபில் எலிமெண்ட்” என்பது போல், இதையெல்லாம் தவிர்க்க முடியாத நிலையிலேயே ஜனநாயகத்தை வளர்க்க வேண்டுமென்ற மனப்பான்மையுடன் இதைச் செய்திருக்கிறோம். இந்த நோக்கத்தின் காரணமாகக் கட்சி வர வேண்டாம் என்று சர்க்கார் எண்ணுகிறதோ, அதே நோக்கத்தின் காரணமாக இன்றைத் தான் பஞ்சாயத்து யூனியன் கவுன்சிலுக்கு மெம்பராக அனுப்புவது என்று ஆங்காங்கு முடிவு செய்யப்பட்டிருக்கிறது. நாம் ஜனங்களிடையே அதிருப்தியை உண்டாக்கக் கூடாது. ஜனநாயக முறையில் கஷ்டங்களைப் பார்க்க முடியாது என்பதையும் அரசாங்கம் உணர வேண்டும். பஞ்சாயத்து யூனியன் கவுன்சில்கள் அமைப்பைப் பொறுத்த வரையில் இந்த மசோதாவில் சொல்லப்பட்டுள்ள முறை மிகக் குறுகிய காலத்துக்கே அமுலில் இருக்கும் என்று சொல்லப்பட்டிருக்கிறது. இந்த அரசாங்கம் இனிமேலாவது ஜனநாயகத்திற்குப் புறம்பாக ஒரு சிறு காரியம் கூடச் செய்யக்கூடாது என்று சொல்லிக்கொண்டு என் வார்த்தையை முடித்துக்கொள்கிறேன்.

* SRI K. M. RAMASWAMY GOUNDER:

அவைத் தலைவரவர்களே, பஞ்சாயத்துத் தலைவர்களே பஞ்சாயத்து கவுன்சில் மெம்பர்களாக—உறுப்பினர்களாக இருந்து வருவதுதான் நிர்வாகம், கிராம முன்னேற்றம் எல்லாவற்றிற்கும் உகந்ததாக இருக்கும். போட்டி வருகிறது, தேர்தலிலே கசப்பு வருகிறது என்பதற்காகவும், பல பேருக்குப் பல ஸ்தானங்களைப் பங்கிட்டுக் கொடுப்பதற்காகவும், ஒருவர் பஞ்சாயத்துத் தலைவர், இன்னொருவர் பஞ்சாயத்து யூனியன் உறுப்பினர் என்று பல சந்தர்ப்பங்களை ஏற்படுத்துவதற்காகவும் ஸ்தாபனங்களைப் பெருக்கிப் பங்கு போட்டுக்கொள்வது நடைமுறையில் நமது முன்னேற்றத்துக்குக் குந்தகமாக இருக்குமே யொழிய நன்மை தரும் என்று சொல்ல முடியாது. இந்த சந்தர்ப்பத்திலே ஒரு வேளை ஒருவர் பஞ்சாயத்துத் தலைவராக இருந்துகொள்ளலாம்;

[Sri K. M. Ramasamy Gounder] [6th September 1960]

இன்னொருவர் பஞ்சாயத்து யூனியன் உறுப்பினராக இருந்து கொள்ளலாம் என்று ஒரு சில இடங்களிலே சமரசம் பேசியிருக்கலாம். ஆனாலும் கிராமமும் மக்களும் முன்னேற வேண்டும் என்றால், கிராமத்தில் நடக்கின்ற அத்தனை காரியமும் தெரிந்திருக்க வேண்டுமென்றால் கிராமத்துக்கு மேற்பட்ட வெவ்விட உள்ள பஞ்சாயத்து யூனியன்களிலும் பஞ்சாயத்து பிரசிடெண்டுகள் தான் (ex-officio) மெம்பர்களாக இருக்க வேண்டும் என்பதுதான் பொருத்தமாக இருக்கும். தேர்தல் சாதாரணமாக எப்போதும் வந்து கொண்டதான் இருக்கிறது. அதனாலே போட்டா போட்டியும், இன்னும் பல சிக்கல்களும் ஏற்படுகின்றன. அவைகளைத் தவிர்க்க வேறு வழி வகைகள் கண்டுகொள்ள வேண்டும். கனம் மெம்பர் திரு. S. K. சம்பந்தம் அவர்கள் கூறியவாறு கிராமப் பஞ்சாயத்துக்களின் நிர்வாகத்தில் நேர்முகத் தொடர்பு கொண்டுள்ள பஞ்சாயத்துத் தலைவர் தான் யூனியன் உறுப்பினராக இருக்க வேண்டும் என்று இந்தச் சட்டத்தை நிரந்தரமாகவே திருத்தம் செய்ய வேண்டுமென்று கேட்டுக் கொள்கிறேன்.

* SRI A. K. THANGAVEL MUDALIAR: தலைவரவர்களே, பஞ்சாயத்து யூனியன் கவுன்சில் நிர்மாணத்துக்கு Special ஆக இந்த மசோதா கொண்டுவந்திருக்கிறார்கள். பொதுவாக 1961-ல் எல்லாப் பஞ்சாயத்துக்களும் பூர்த்தியான பிறகு செய்தால் போதும். பஞ்சாயத்து யூனியன் என்று சொல்வது—ஜில்லா கலெக்டர் அட்வைசரி கமிட்டியைப் போலத்தான். வேறு ஒன்றும் அதிகாரம் இல்லை.

THE HON. SRI C. SUBRAMANIAM: முன்னால் அப்படியிருந்தது. அதிகாரம் ஜாஸ்தியாகி விட்டது. சட்டசபைக்கு உள்ளதைவிடக் கொஞ்சம் அதிகமாகி விட்டது.

SRI A. K. THANGAVEL MUDALIAR: இப்போது தாற்காலிகமாகச் செய்தால் 10, 12 பஞ்சாயத்துகள் தான் யூனியனுக்கு ஆள் அனுப்ப வேண்டும். அந்தக் காலம் பூர்த்தியாகிறபோது பார்த்தால் 50, 60 பஞ்சாயத்து இருக்கும். மற்றவர்களுக்கு எல்லாம் உரிமை இல்லாமல் போய் விடுகிறது. நாமினேஷன் கொடுக்கலாம். சர்க்கார் நாமினேஷன் கொடுத்தால் ஒரு தொந்தரவும் இருக்காது. ஆகையால் இதை அவ்வளவு அவசரமாகத் திருத்த வேண்டியதில்லை என்பது என் அபிப்பிராயம்.

4-00 p.m. THE HON. SRI C. SUBRAMANIAM: Sir, I am sorry I do not find the hon. Member Sri Raza Khan here. (An hon. Member: He is in the lobby.) He criticised the Bill. Evidently his memory has failed him to a certain extent with regard to the original proposal put forward by the Government regarding representation of panchayats on the panchayat union councils. The Government proposal was that any elector in the village could be elected by the panchayat to

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[Sri C. Subramaniam]

represent it on the union council and not necessarily a member of the panchayat. Then there was the other view put forward by the Opposition Members, namely, the Presidents of the panchayats should automatically become *ex-officio* representatives of the panchayats on the union councils. As a *via media*, we came to the compromise proposal that any member can be elected to be a representative of the panchayat on the union council.

Sir, this Bill is for the purpose of removing the immediate difficulties which might arise in holding fresh elections in about 10 to 20 thousand panchayats. That was the real difficulty. A suggestion was made that this arrangement could be made permanent. After all, we will have sufficient time to find out whether this present arrangement of making the Presidents of the panchayats *ex-officio* members of the union councils, is working satisfactorily or is creating difficulties. Perhaps after a year or two the position can be reviewed, and before another series of elections to the panchayat union councils start, we can review the position and, if necessary, adopt this method.

Sir, the hon. Member Sri Kosalam raised a point on the basis that what we have now proposed is undemocratic. I do not see how the question of introducing an undemocratic principle at all arises here. It is quite in consonance with the democratic principle for an elector in the panchayat or for a member of the panchayat or a president of the panchayat to act as a representative of the panchayat on the union council. After all, the president is also an elected representative of the people. It is for convenience that we adopt one form or the other. The one is not more democratic and the other less democratic. Therefore, I respectfully submit that the present arrangement is for the purpose of having the proper atmosphere for the functioning of the union councils, when they are constituted for the first time. That is the reason why this amendment has been brought forward.

Mr. CHAIRMAN: The question is—

‘That the Madras Panchayat Union Councils (Special Provisions for First Constitution) Bill, 1960 (L.A. Bill No. 19 of 1960), as passed by the Legislative Assembly, be taken into consideration.’

The motion was put and carried and the Bill was taken into consideration.

Clause 2 was put and carried.

Clause 1 was put and carried.

The Preamble was put and carried.

THE HON. SRI C. SUBRAMANIAM: Mr. Chairman, Sir, I move—

‘That the Madras Panchayat Union Councils (Special Provisions for First Constitution) Bill, 1960 (L.A. Bill No. 19 of 1960), as passed by the Legislative Assembly, be passed.’

**THE MADRAS PANCHAYAT UNION COUNCILS (SPECIAL
PROVISIONS FOR FIRST CONSTITUTION) BILL, 1960
(L.A. BILL NO. 19 OF 1960)**

[6th September 1960]

MR. CHAIRMAN: The question is—

‘That the Madras Panchayat Union Councils (Special Provisions for First Constitution) Bill, 1960 (L.A. Bill No. 19 of 1960), as passed by the Legislative Assembly, be passed.’

The motion was put and carried and the Bill was passed.

MR. CHAIRMAN: The House will now adjourn and meet again at 3 p.m. tomorrow.

The House then adjourned.

V. PAPERS LAID ON THE TABLE OF THE HOUSE.

* 184. Notification issued with G.O. Ms. No. 1647, Home, dated 3rd June 1960, under the Madras Motor Vehicles Taxation Act, 1931 (Madras Act III of 1931).

* 185. Notification issued with G.O. Ms. No. 3180, Industries, Labour and Co-operation, dated 28th June 1960, under the Madras Catering Establishments Act, 1958 (Madras Act XII of 1958).

* 186. Notification issued with G.O. No. 1278, Local Administration, dated 28th July 1960, under the Madras Village Panchayats Act, 1958 (Madras Act XXXV of 1958).

* 187. Notification issued with G.O. No. 1092, Public (Services-A), dated 12th July 1960, regarding the exclusion of the Officer-in-Charge of Information Centre at Madurai from the Commission's purview. [Laid on the table of the House under Article 320 (5) of the Constitution of India].

† 188. A Draft Outline of the Third Five-Year Plan published by the Planning Commission, Government of India.

‡ 189. Draft Outline of the Third Five-Year Plan—Madras State.

‡ 190. Draft Third Five-Year Plan—Large Scale and Medium Industries.

* Laid on the table of the House on 5th September 1960.

† Sent by Special Messengers to all M.L.Cs. on 31st August 1960 and 5th September 1960.

‡ Circulated to all M.L.Cs. on 5th September 1960.

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APPENDIX I.

[Vide answer to Starred Question No. 81, asked by Dr. A. Chidambaramathan at the meeting of the Legislative Council held on 6th September 1960, page 3 supra.]

Principles adopted for Selection of High Schools for upgrading as Higher Secondary Schools.

1. Such physical facilities as accommodation, equipment and playground should be made available by the management to the satisfaction of the Director of Public Instruction.

2. Staff qualified to teach the Eleventh Standard should have already been employed by the management or the management concerned should undertake to depute, with the consent of the Director, the required number of teachers for the certificate and post-graduate courses conducted by the University of Madras in 1960-61 and 1961-62.

3. Region-wise needs for higher secondary education should be taken into consideration in the matter of selecting schools for the opening of Standard XI, taking into account the existing facilities for the Pre-University course in colleges in order to avoid duplication.

4. Facilities for Higher Secondary Education should be distributed fairly over the entire State, the rural areas receiving special attention. There are about 100 taluks in our State (excluding the City of Madras) and the programme to open Higher Secondary Schools by upgrading the existing High Schools in the course of the Third Plan Period should aim at providing each taluk with at least one higher Secondary School.

5. All types of managements should be represented, as far as possible, in the list of schools selected every year for being upgraded into Higher Secondary Schools.

6. If other things are equal, Model High Schools attached to the Training Colleges may be preferred for being upgraded.

APPENDIX II.

[Vide item IV (1) on page 47 supra.]

L.A. BILL No. 12 OF 1960.

(As passed by the Assembly.)

A Bill to regulate the publication of reports of judicial proceedings so as to prevent the publication of obscene or indecent matter and other matters the publication of which will not be in the public interest, in the State of Madras.

WHEREAS it is expedient to regulate in the State of Madras the publication of reports of judicial proceedings so as to prevent the publication of obscene or indecent matter and other matters, the publication of which will not be in the public interest,

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BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title, extent and commencement.*—(1) This Act may be called the Madras Judicial Proceedings (Regulation of Reports) Act, 1960.

(2) It extends to the whole of the State of Madras.

(3) It shall come into force on such date as the Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires—

(a) “ book ” includes every volume, part or division of a volume, pamphlet and leaflet, in any language and every sheet of music, map, chart or plan separately printed, cyclostyled or lithographed or otherwise mechanically produced;

(b) “ document ” includes any painting, drawing or photograph or other visible representation;

(c) “ Government ” means the State Government ;

(d) “ Judicial proceeding ” includes any proceedings in the course of which evidence is or may be legally taken on oath;

(e) “ matrimonial matter ” means any proceeding for dissolution or nullity of marriage, or for judicial separation, or for restitution of conjugal rights or any proceeding for—

(i) the maintenance of wife, husband or children; or

(ii) the alteration in the rate of such maintenance; or

(iii) the cancellation or modification of the order of, or decree for, such maintenance;

(f) “ newspaper ” means any periodical work containing public news or comments on public news.

3. *Restrictions on circulation, printing or publication of reports of judicial proceeding.*—(1) Notwithstanding anything contained in any law for the time being in force, no person shall print, publish or circulate or cause to be printed, published or circulated—

(a) in relation to any judicial proceeding, any indecent or obscene matter, or any indecent or obscene details, which would be calculated to injure public morals;

(b) in relation to any matrimonial matter or any judicial proceeding in connection with an offence under section 497 of the Indian Penal Code (Central Act XLV of 1860), any particulars except the following particulars, namely :—

(i) the names of the parties; and

(ii) the order of the court;

(c) in relation to any judicial proceeding in connection with an offence under sections 354, 366, 366-A, 366-B, 376, 377 or 498 of the Indian Penal Code (Central Act XLV of 1860), and the

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Suppression of Immoral Traffic in Women and Girls Act, 1956 (Act No. 104 of 1956), any particulars except the following particulars, namely :—

- (i) the name, occupation and address of the accused; and
- (ii) the order of the court without disclosing the identity, or giving any particulars calculated to lead to the identification, of any person who may have been a victim of the offence.

(2) Nothing in this section shall apply to the printing of any pleading, transcript of evidence or other document for use in connection with any judicial proceeding or the communication thereof to persons concerned in the proceeding or to the printing or publishing of any notice or report in pursuance of the directions of the court or to the printing or publishing of any matter in a separate volume or part of any *bona fide* series of law reports or in any publication of a technical character *bona fide* intended for circulation among members of the legal or the medical profession.

4. *Penalty.*—If any person contravenes sub-section (1) of section 3—

(a) he shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both; and

(b) any newspaper, book or document (including all copies thereof) in respect of which that sub-section has been contravened, shall, by order of the court, be liable to be forfeited to the Government.

5. *Offences under the Act to be cognizable.*—(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (Central Act V of 1898) but subject to the provisions of sub-section (2), any offence under this Act shall be deemed to be a cognizable offence within the meaning of that Code.

(2) No Court shall take cognizance of any offence under this Act except with the previous sanction of the Government.

(3) No court below that of a Presidency Magistrate or of a Magistrate of the First Class shall try any offence under this Act.

6. *Forfeiture and seizure of newspaper, etc., under section 99-A of Central Act V of 1898.*—The provisions of sections 99-A, 99-B and 99-D of the Code of Criminal Procedure, 1898 (Central Act V of 1898), are hereby amended as specified in the Schedule to this Act and the provisions of sections 99-A to 99-G of the said Code as amended as aforesaid shall, notwithstanding anything contained in section 4, apply in respect of any newspaper, book or document, which appears to the Government to contain any matter in contravention of the provisions of sub-section (1) of section 3.

7. *Savings.*—Nothing in this Act shall exempt any person from any proceeding which might, apart from this Act, be brought against him.

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8. *Power to make rules.*—(1) The Government may, by notification, make rules for carrying out the purposes of this Act.

(2) All rules made under this Act shall, as soon as possible after they are made, be placed on the table of both Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

THE SCHEDULE.

[See section 6.]

In the Code of Criminal Procedure, 1898 (Central Act V of 1898),—

(1) in sub-section (1) of section 99-A after the words “ appears to the State Government to contain ”, the words “ in relation to any judicial proceeding, any indecent or obscene matter, or any indecent or obscene details, which would be calculated to injure public morals, or ” and after the words “ that is to say ”, the words, brackets, letter and figures “ any matter referred to in clause (a) of sub-section (1) of section 3 of the Madras Judicial Proceedings (Regulation of Reports) Act, 1960, or ” shall be inserted;

(2) in section 99-B and in sub-section (1) of section 99-D, for the words “ seditious or other matter ”, the word “ matter ” shall be substituted.

APPENDIX III.

[Vide item IV (2) on page 51 supra.]

L.A. BILL No. 7 OF 1960.

(As passed by the Assembly.)

A Bill further to amend the Indian Penal Code and the Code of Criminal Procedure, 1898, in their application to the State of Madras.

WHEREAS it is expedient further to amend the Indian Penal Code (Central Act XLV of 1860), and the Code of Criminal Procedure, 1898 (Central Act V of 1898), in their application to the State of Madras, for the purposes hereinafter appearing;

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title and extent.*—(1) This Act may be called the Indian Penal Code and the Code of Criminal Procedure (Madras Amendment) Act, 1960.

(2) It extends to the whole of the State of Madras.

2 *Amendment of section 292*—Central Act XLV of 1860.—In section 292 of the Indian Penal Code (Central Act XLV of 1860) (hereinafter referred to as the said Code), for the words ‘ shall be

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punished with imprisonment of either description for a term which may extend to three months or with fine or with both', the following shall be substituted, namely :—

“ shall be punished with imprisonment of either description for a term which may extend to two years or with fine or with both :

Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine.”

3. *Insertion of new section 292-A in Central Act XLV of 1860.*—After section 292 of the said Code, the following section shall be inserted, namely :—

“ 292-A, *Printing, etc., of grossly indecent or scurrilous matter or matter intended for blackmail.*—Whoever—

(a) prints or causes to be printed in any newspaper, periodical or circular, or exhibits or causes to be exhibited, to public view or distributes or causes to be distributed or in any manner, puts into circulation any picture or any printed or written document which is grossly indecent, or is scurrilous or intended for blackmail, or

(b) sells or lets for hire, or for purposes of sale or hire makes, produces or has in his possession, any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail, or

(c) conveys any picture or any printed or written document which is grossly indecent or is scurrilous or intended for blackmail knowing or having reason to believe that such picture or document will be printed, sold, let for hire, distributed or publicly exhibited or in any manner put into circulation, or

(d) takes part in, or receives profits from, any business in the course of which he knows or has reason to believe that any such newspaper, periodical, circular, picture or other printed or written document is printed, exhibited, distributed, circulated, sold, let for hire, made, produced, kept, conveyed or purchased, or

(e) advertises or makes known by any means whatsoever that any person is engaged or is ready to engage in any act which is an offence under this section, or that any such newspaper, periodical, circular, picture or other printed or written document which is grossly indecent or is scurrilous or intended for blackmail can be produced from or through any person, or

(f) offers or attempts to do any act which is an offence under this section,

shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

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Provided that for a second or any subsequent offence under this section, he shall be punished with imprisonment of either description for a term which shall not be less than six months and not more than two years and with fine.

Explanation I.—For the purposes of this section, the word “scurrilous” shall be deemed to include any matter which is likely to be injurious to morality or is calculated to injure any person:

Provided that it is not scurrilous to express in good faith anything whatever respecting the conduct of—

(i) a public servant in the discharge of his public functions or respecting his character so far as his character appears in that conduct and no further; or

(ii) any person touching any public question, and respecting his character, so far as his character appears in that conduct and no further.

Explanation II.—In deciding whether any person has committed an offence under this section, the court shall have regard, *inter alia*, to the following considerations:—

(a) the general character of the person charged, and where relevant, the nature of his business;

(b) the general character and dominant effect of the matter alleged to be grossly indecent or scurrilous or intended for blackmail;

(c) any evidence offered or called by or on behalf of the accused person as to his intention in committing any of the acts specified in this section.”

4. *Amendment of section 293, Central Act XLV of 1860.*—In section 293 of the said Code—

(i) for the words “any such obscene object as is referred to in the last preceding section”, the words, figures and letter “any such obscene object as is referred to in section 292 or any such newspaper, periodical, circular, picture or other printed or written document, as is referred to in section 292-A” shall be substituted;

(ii) for the words “which may extend to six months”, the words “which may extend to three years” shall be substituted;

(iii) in the marginal note, after the words “obscene objects”, the words “and grossly indecent or scurrilous matter or matter intended for blackmail” shall be inserted.

5. *Amendment of Central Act V of 1898.*—In the code of Criminal Procedure, 1898 (Central Act V of 1898).—

(i) in sub-section (1) of section 521, after the word and figures “section 292”, the word, figures and letter “section 292-A” shall be inserted;

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(i) in Schedule II, for the entries relating to sections 292 and 293, the following entries shall be substituted, namely :—

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
292	Sale, etc., of obscene books, etc.	Ditto.	Warrant.	Ditto.	Ditto.	Imprisonment of either description for two years or fine, or both.	Presidency Magistrate or Magistrate of the first class.
292-A	Printing, sale, etc., of grossly indecent or scurrilous matter or matter intended for blackmail.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.	Ditto.
293	Sale, etc., of obscene objects... grossly indecent, or scurrilous matter or matter intended for blackmail to young persons.	Ditto.	Ditto.	Ditto.	Ditto.	Imprisonment of either description or three years or fine, or both.	Ditto.

APPENDIX IV.

[Vide item IV (3) on page 54 supra.]

L.A. BILL No. 17 OF 1960.

(As passed by the Assembly.)

A Bill to extend certain laws to the transferred territory in the State of Madras.

WHEREAS it is expedient to provide that certain laws should be extended to, and by virtue of such extension should be in force in, the transferred territory in the State of Madras.

BE it enacted in the Eleventh Year of the Republic of India as follows :—

1. *Short title and commencement.*—(1) This Act may be called the Madras (Transferred Territory) Extension of Laws Act, 1960.

(2) It shall come into force on such date as the State Government may, by notification, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(a) “existing law” means any law, Ordinance, proclamation, regulation, order, by-law, or rule passed or made before the date of the commencement of this Act by Parliament, or by any Legislature, authority or person having power to make such a law, Ordinance, Proclamation, regulation, order, by-law or rule;

(b) “transferred territory” means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

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3. *Extension of certain enactments.*—So much of the enactments specified in the First Schedule as is in force on the date of the commencement of this Act in the State of Madras except in the transferred territory and relates to matters with respect to which the State Legislature has power to make laws for the State is hereby extended to, and shall be in force in, the transferred territory.

4. *Amendment and extension of certain enactments.*—(1) The enactments specified in the Second Schedule are hereby amended to the extent and in the manner mentioned in the fourth column thereof.

(2) So much of the enactments specified in the Second Schedule as is in force on the date of the commencement of this Act in the State of Madras except in the transferred territory and relates to matters with respect to which the State Legislature has power to make laws for the State and as amended to the extent and in the manner mentioned in the fourth column of the said Schedule is hereby extended to, and shall be in force in, the transferred territory.

5. *Construction of references to laws not in force in the transferred territory.*—(1) Any reference in any enactment specified in the First and Second Schedules to a law which is not in force in the transferred territory shall, in relation to that territory, be constructed as a reference to the corresponding law, if any, in force in that territory.

(2) Any reference in any existing law which continues to be in force in the transferred territory after the date of the commencement of this Act to any law repealed by section 7 shall, in relation to that territory, be construed as a reference to the enactment specified in the First or Second Schedule corresponding to the law so repealed.

6. *Construction of references to authorities where new authorities have been constituted.*—Any reference, by whatever form of words, in any existing law to any authority competent at the date of the passing of that law to exercise any powers or discharge any functions in the transferred territory shall, where a corresponding new authority has been constituted by or under any enactment now extended to the transferred territory, have effect as if it were a reference to that new authority.

7. *Repeal of corresponding laws.*—If, immediately before the date of the commencement of this Act, there is in force in the transferred territory any Act, Ordinance, Proclamation, regulation, order, by-law, rule or other law corresponding to an enactment specified in the First or Second Schedule, whether such Act, Ordinance, Proclamation, regulation, order, by-law, rule or other law is in force by virtue of section 119 of the States Reorganisation

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Act, 1956 (Central Act 37 of 1956) or by virtue of any other legislative power, such corresponding law shall, on the date of the commencement of this Act, stand repealed to the extent to which the corresponding law relates to matters with respect to which the State Legislature has power to make laws for the State.

8. *Savings*.—(1) The repeal by section 7 of any corresponding existing law shall not affect—

(a) the previous operation of any such law or anything done or duly suffered thereunder, or

(b) any right, privilege, obligation or liability acquired, accrued or incurred under any such law, or

(c) any penalty, forfeiture or punishment incurred in respect of any offence committed against any such law, or

(d) any investigation, legal proceeding or remedy in respect of any such right, privilege, obligation, liability, penalty, forfeiture or punishment as aforesaid;

and any such investigation, legal proceeding or remedy may be instituted, continued or enforced and any such penalty, forfeiture or punishment may be imposed as if this Act had not been passed.

(2) Subject to the provisions of sub-section (1), anything done or any action taken including any appointment or delegation made, notification, order, instruction or direction issued, rule, regulation, form, by-law or scheme framed, certificate, permit or licence granted or registration effected, under such corresponding existing law shall be deemed to have been done or taken under the corresponding provision of the enactment as now extended to, and in force in, the transferred territory and shall continue in force accordingly, unless and until superseded by anything done or any action taken under the said enactment.

9. *Powers of courts and other authorities for purposes of facilitating application of laws*.—For the purpose of facilitating the application in the transferred territory of any enactment specified in the First or Second Schedule, any court or other authority may construe such enactment with such alterations not affecting the substance as may be necessary or proper to adapt it to the matter before the court or other authority.

10. *Extension of Madras General Clauses Acts to the transferred territory*.—(1) The Madras General Clauses Act, 1867 (Madras Act I of 1867) and the Madras General Clauses Act, 1891 (Madras Act I of 1891) are hereby extended to, and shall be in force in, the transferred territory.

(2) For the removal of doubts, it is hereby declared that the Travancore-Cochin Interpretation and General Clauses Act, 1125 (Travancore-Cochin Act VII of 1125) shall continue to apply for the

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interpretation of any existing law in force in the transferred territory immediately before the 1st day of November 1956 and continuing in force on the date of the commencement of this Act.

11. *Extension of section 3, Madras Act XIV of 1938.*—Section 3 of the Prisons and Indian Lunacy (Madras Amendment) Act, 1938 (Madras Act XIV of 1938) is hereby extended to, and shall be in force in, the transferred territory.

12. *Power of State Government to extend enactment to the transferred territory by notification.*—(1) The State Government may, by notification, extend to the transferred territory or any part thereof, with such restrictions and modification as they think fit, any enactment which—

(i) is in force in the rest of the State of Madras at the date of the notification, and

(ii) relates to matters with respect to which the State Legislature has power to make laws for the State.

(2) Where any enactment is extended to the transferred territory by a notification under sub-section (1), the enactment so extended shall be deemed to have been included in the First or Second Schedule, as the case may be, and sections 5 to 9 shall apply accordingly.

(3) Every notification issued under sub-section (1) shall be laid before the Legislature if it is sitting, as soon as may be after the issue of the notification, and if it is not sitting, within seven days of its re-assembly, and the State Government shall seek the approval of the Legislature to the notification by resolution moved within a period of fifteen days beginning with the day on which the notification is so laid before it; and if the Legislature makes any modification in the notification or directs that the notification shall cease to have effect, the notification shall, thereafter, have effect only in such modified form or be of no effect, as the case may be, but without prejudice to the validity of anything previously done thereunder.

(4) Where in respect of any notification issued under sub-section (1), the Legislature directs under sub-section (3) that the said notification shall cease to have effect, the corresponding law, if any, repealed under sub-section (2) of this section read with section 7 shall revive and come into force in the transferred territory with effect on and from the date on which the Legislature so directs.

13. *Repeal of certain enactments.*—The enactments specified in the Third Schedule in so far as they apply to, and are in force in, the transferred territory are hereby repealed.

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14. *Power to remove difficulties.*—(1) If any difficulty arises in giving effect to the provisions of this Act or of any enactment extended to the transferred territory by or under this Act, the State Government, as occasion may require, may, by order, do anything which appears to them necessary for the purposes of removing the difficulty.

(2) All orders made under sub-section (1) shall, as soon as possible after they are made, be placed on the table of both the Houses of the Legislature and shall be subject to such modifications by way of amendment or repeal as the Legislature may make either in the same session or in the next session.

THE FIRST SCHEDULE.

See Section (3.)

<i>Year.</i>	<i>Number.</i>	<i>Short title.</i>
(1)	(2)	(3)
<i>Central Acts.</i>		
1837	XXXVI ..	The Madras Public Property Malversation Act, 1837.
1839	VII ..	The Madras Rent and Revenue Sales Act, 1839.
1851	VIII ..	The Indian Tolls Act, 1851.
1856	XV ..	The Hindu Widows' Re-marriage Act, 1856.
1858	I ..	The Madras Compulsory Labour Act, 1858.
1859	XXIV ..	The Madras District Police Act, 1859.
1863	XXIII ..	The Waste Lands (Claims) Act, 1863.
1864	XV ..	The Indian Tolls Act, 1864.
1871	I ..	The Cattle-trespass Act, 1871.
1871	XXIII ..	The Pensions Act, 1871.
1878	VI ..	The Indian Treasure-trove Act, 1878.
1885	XVIII ..	The Land Acquisition (Mines) Act, 1885.
1886	VI ..	The Births, Deaths and Marriages Registration Act, 1886.
1892	X ..	The Government Management of Private Estates Act, 1892.
1894	I ..	The Land Acquisition Act, 1894.
1913	VI ..	The Mussalman Wakf Validating Act, 1913.
1916	VII ..	The Indian Medical Degrees Act, 1916.
1918	X ..	The Usurious Loans Act, 1918.
1930	XXXII ..	The Mussalman Wakf Validating Act, 1930.
1938	X ..	The Culchi Memons Act, 1938.

Madras Regulations.

1802	III ..	The Madras Administration of Estates Regulation, 1802.
1817	VII ..	The Madras Endowments and Escheats Regulation, 1817.

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Year.	Number.	Short title.
(1)	(2)	(3)

Madras Regulations—cont.

1829	V	.. The Madras Hindu Wills Regulation, 1829.
1831	X	.. The Madras Sale of Minors' Estates Regulation, 1831.

Madras Acts.

1865	I	.. The Madras District Limits Act, 1865.
1878	VIII	.. The Madras Coffee-stealing Prevention Act, 1878.
1885	III	.. The Madras Outports Landing and Shipping Fees Act, 1885.
1889	IIi	.. The Madras Towns Nuisances Act, 1889.
1890	II	.. The Madras Canals and Public Ferries Act, 1890.
1911	V	.. The Madras Hackney Carriage Act, 1911.
1914	IV	.. The Madras Medical Registration Act, 1914.
1918	I	.. The Mappilla Succession Act, 1918.
1919	III	.. The Madras Agricultural Pests and Diseases Act, 1919.
1926	I	.. The Madras Indian Ports (Amendment) Act, 1925.
1935	VII	.. The Madras Debtors' Protection Act, 1934.
1936	III	.. The Indian Registration (Madras Amendment) Act, 1935.
1938	V	.. The Madras Traffic Control Act, 1938.
1938	XV	.. The Indian Lunacy (Madras Amendment) Act, 1938.
1938	XIX	.. The Madras Minor Ports Fund Act, 1938.
1939	V	.. The Madras Electricity Duty Act, 1939.
1943	III	.. The Legal Practitioners (Madras Amendment) Act, 1943.
1943	XII	.. The Indian Lunacy (Madras Amendment) Act, 1943.
1943	XXIII	.. The Madras Pawnbrokers Act, 1943.
1945	XII	.. The Madras Prevention of Couching Act, 1945.
1947	IX	.. The Bar Councils and Legal Practitioners (Madras Amendment) Act, 1947.
1948	I	.. The Madras Home Guards Act, 1948.
1948	VI	.. The Madras Restriction of Habitual Offenders Act, 1948.
1948	XIV	.. The Madras Aided Institutions (Prohibition of Transfers of Property) Act, 1948.
1949	VIII	.. The Vexatious Litigation (Prevention) Act, 1949.
1949	XVIII	.. The Muslim Personal Law (Shariat) Application (Madras Amendment) Act, 1949.
1949	XXX	.. The Madras Drugs (Control) Act, 1949.
1949	XLVII	.. The Madras Cotton (Trade Stocks) Census Act, 1949.
1949	XLVIII	.. The Madras Educational Institutions (Temporary Control of Property) Act, 1949.
1950	V	.. The Madras Jute (Control of Prices and Sales) Act, 1950.
1951	XVIII	.. The Madras Anatomy Act, 1951.
1952	XVI	.. The Madras Motor Vehicles (Taxation of Passengers and Goods) Act, 1952.
1956	XXVII	.. The Madras Registration of Practitioners of Integrated Medicine Act, 1956.

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THE SECOND SCHEDULE.

(See section 4.)

Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
<i>Madras Acts.</i>			
1864	II	The Madras Revenue Recovery Act, 1864.	1. In section I, for the paragraph commencing with the words "Public revenue" and ending with the word "irrigation" the following paragraph shall be substituted, namely :— "Public revenue due on land shall, for the purposes of this Act, be taken to include— (a) cesses or other dues payable to the State Government on account of water supplied for irrigation; and (b) pattom due on Kandu krishi lands in the Kanyakumari district". 2. To section 22, the following proviso shall be added, namely :— "Provided that nothing in this section shall be deemed to prevent the sale of any distrained property which is subject to speedy and natural decay at any time after the date on which the notice may be so affixed".
1902	I	The Madras Court of Wards Act, 1902.	1. In section 17— (i) in sub-section (1) for the words "an undivided Hindu family under its superintendence unless all the co-parceners", the words "an undivided Hindu family or a Marumakkattayam tarwad under its superintendence unless all the co-parceners or the members of the tarwad, as the case may be", shall be substituted. (ii) in sub-section (2), after the words "an undivided Hindu family", the words "or as members of a Marumakkattayam tarwad" shall be inserted.

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Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
<i>Madras Acts—cont.</i>			
1902— <i>cont.</i>	I— <i>cont.</i>	The Madras Court of Wards Act, 1902— <i>cont.</i>	2. For clause (d) of section 54, the following clause shall be substituted, namely:— “(d) the property of an undivided Hindu family or a Marumakkattayam tarwad, and the person of every co-parcener in such family or member of such tarwad, as the case may be, who is not possessed of separate estate, as soon as any co-parcener or member ceases to be disqualified under section 9”.
1905	III	The Madras Land Encroachment Act, 1905.	1. After section 1, the following section shall be inserted, namely:— “I-A. <i>Definition.</i> —In this Act, unless the context otherwise requires, the expression “transferred territory” means the Kanyakumari district and the Shencottah taluk of the Tirunelveli district”. 2. In section 2, sub-section (1)— (i) in the opening paragraph, for the words “all canals and water-courses”, the words “all backwaters, canals and water-courses” shall be substituted; and (ii) in clause (c), after the words “including that of a janmi in the Gudalur taluk of the Nilgiri district”, the words “and in the transferred territory” shall be inserted. 3. In section 3, for the words “Any person who shall unauthorizedly occupy any land”, the words “Any person who shall unauthorizedly occupy in any area other than the transferred territory any land” shall be substituted. 4. After section 3, the following section shall be inserted, namely:— “3-A. <i>Levy of assessment on lands unauthorizedly occupied in the transferred territory.</i> —Any person who shall unauthorizedly occupy in the transferred territory any

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Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
<i>Madras Acts—cont.</i>			
1905—cont.	III—cont.	The Madras Land Encroachment Act, 1905—cont.	land which is the property of Government shall be liable to pay by way of assessment,— (a) if the land so occupied forms an assessed survey number or part thereof, such assessment for the whole period of his occupation, as may be imposed by the Collector or subject to his control, by the Tahsildar or Deputy Tahsildar, in accordance with such rate as may be prescribed; (b) if the land so occupied be unassessed, such prohibitory assessment for the whole period of his occupation, as may be imposed by the Collector or subject to his control, by the Tahsildar or Deputy Tahsildar: Provided that payment of assessment or prohibitory assessment under this section shall not confer any right of occupancy. <i>Explanation.</i>—For the purposes of this section, occupation for an incomplete portion of a fasli may be deemed to be occupation for a whole fasli". 5. In section 4, after the words and figure "under section 3", the words, figure and letter "or section 3-A", shall be inserted. 6. In section 5, for the words and figure "Any person liable to pay assessment under section 3", the words and figure "Any person in any area other than the transferred territory liable to pay assessment under section 3" shall be substituted. 7. After section 5, the following section shall be inserted, namely :— " 5-A. <i>Liability of person unauthorizedly occupying land to penalty after notice in the transferred territory.</i>—Any person in the transferred territory liable to pay assessment under section 3-A shall

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Year.	Number.	Short title.	Amendments.
(1)	(2)	(3)	(4)
<i>Madras Acts—cont.</i>			
1905—cont.	III—cont.	The Madras Land Encroachment Act, 1905—cont.	also be liable at the discretion of the Collector or subject to his control, the Tahsildar or Deputy Tahsildar, to pay in addition by way of penalty, whether the land is assessed or unassessed, a sum not exceeding two hundred rupees”.
			8. In sub-section (1) of section 6, after the words and figure “under section 3”, the words figure and letter “or section 3-A” shall be inserted.
			9. In section 7, for the words and figures “under section 5 or section 6” in the two places where they occur, the words, figures and letter “under section 5, section 5-A or section 6” shall be substituted.
			10. In section 8—
			(i) in clause (a), after the words and figure “under section 3”, the words, figure and letter “or section 3-A” shall be inserted.
			(ii) in clause (b), after the words and figure “under section 5”, the words, figure and letter “or section 5-A” shall be inserted.
			11. In the proviso to section 13, after the words and figure “under section 5”, the words figure and letter “of section 5-A” shall be inserted.
		The Madras Motor Vehicles Taxation Act, 1931.	In section 10, for the Explanation, the following Explanation shall be substituted, namely:—

“Explanation.—The provisions of this section shall apply in relation to—

- (i) the area which formerly formed part of the State of Pudukkottai; and
- (ii) the area comprising the Kanyakumari district and the Shencottah taluk of the Tirunelveli district.

As if the State Government had power to pay such compensation to the local bodies in the said areas as the State Government may, by order, determine”.]

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THE THIRD SCHEDULE.

(See section 13.)

REPEALS.

<i>Year.</i>	<i>Number.</i>	<i>Short title.</i>
(1)	(2)	(3)
<i>Travancore Acts.</i>		
1010	I	.. The Powers and Jurisdiction of Munsifs Act, 1010.
1010	IV	.. The Jurisdiction of Zillah Judges Act, 1010.
1124	XXIV	.. The Travancore Opium Smoking Act, 1124.
<i>Travancore-Cochin Act.</i>		
1953	IX	.. The Travancore-Cochin Medical Practitioners Act, 1953.

I certify that this is a Money Bill.

U. KRISHNA RAU,
Speaker, Madras Legislative Assembly.

FORT ST. GEORGE, MADRAS,
 18th August 1960.

FINANCIAL MEMORANDUM.

Clauses 3 and 4 of the Bill provide for the extension of the enactments specified in the First and Second Schedules to the transferred territory and clause 7 provides for the repeal of the corresponding laws in force in that territory. There is already the requisite machinery in the transferred territory for carrying into effect the provisions of the corresponding laws in force therein and this machinery may be sufficient to carry into effect the provisions of most of the enactments now extended. There may not therefore be marked additional expenditure on this account. The provisions of certain other Acts included in the First Schedule which do not correspond to any of the laws in force in the transferred territory when extended would involve expenditure from the Consolidated Fund of the State.

It is not possible, at this stage, to estimate, with any degree of accuracy, the expenditure to be incurred as a result of the proposed Act.

MEMORANDUM REGARDING DELEGATED LEGISLATION.

Sub-clause (1) of clause 14 of the Bill confers on the Government power to remove by order any difficulty which may arise in giving effect to the provisions of the proposed Act or of any enactment extended to the transferred territory by the proposed Act. The powers delegated are normal and not of an exceptional character.

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APPENDIX V.

[Vide item IV (4) on page 56 supra.]

L.A. BILL No. 19 OF 1960.

(As passed by the Assembly.)

A Bill to make special provisions for the first constitution of Panchayat Union Councils under the Madras Panchayats Act, 1958.

WHEREAS it is expedient to make special provisions for the first constitution of panchayat union councils under the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958);

BE it enacted in the Eleventh Year of the Republic of India as follows:—

1. *Short title.*—This Act may be called the Madras Panchayat Union Councils (Special Provisions for First Constitution) Act, 1960.

2. *Composition, strength and duration of first panchayat union councils.*—(1) Notwithstanding anything contained in the Madras Panchayats Act, 1958 (Madras Act XXXV of 1958) (hereinafter referred to as the said Act), but subject to sub-section (2)—

(a) a panchayat union council constituted for any panchayat union for the first time under the said Act shall consist of the presidents of the panchayats in the panchayat union who, on the date specified in the notification issued under sub-section (1) of section 11 of the said Act constituting the panchayat union council, are holding office as such presidents;

(b) the term of office of members of the panchayat union council referred to in clause (a) shall be such as the State Government or any Officer authorized by them in this behalf may, by notification, specify;

(c) the president shall not cease to hold office as such on his election as chairman or vice-chairman of the panchayat union council referred to in clause (a).

(2) Save as otherwise provided in sub-section (1), all the provisions of the said Act shall apply to the panchayat union council referred to in that sub-section and to the members of that panchayat union council.